

1 Jacob L. Houmand, Esq. (NV Bar No. 12781)  
2 Email: jhoumand@nelsonhoumand.com  
3 NELSON & HOUMAND, P.C.  
3900 Paradise Road; Suite U  
4 Las Vegas, Nevada 89169-0903  
Telephone: 702/720-3370  
Facsimile: 702/720-3371

*Electronically Filed On: February 5, 2015*

5 *[Proposed] Counsel for Victoria L. Nelson, Chapter 7 Trustee*

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8 **UNITED STATES BANKRUPTCY COURT**  
9 **DISTRICT OF NEVADA**

10 In re:  
11 AMERI-DREAM REALTY, LLC,  
12 Debtor.

Case No. BK-S-15-10110-LED  
Chapter 7

**EX PARTE APPLICATION FOR ORDER  
SHORTENING TIME ON OMNIBUS  
MOTION OF THE CHAPTER 7  
TRUSTEE FOR ENTRY OF ORDER  
AUTHORIZING REJECTION OF  
EXECUTORY CONTRACTS PURSUANT  
TO 11 U.S.C. § 365(a)**

Date of Hearing: *OST Pending*  
Time of Hearing: *OST Pending*  
Place: Courtroom No. 3, Third Floor  
Foley Federal Building  
300 Las Vegas Blvd., S.  
Las Vegas, NV 89101

Judge: Honorable Laurel E. Davis

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21 Victoria L. Nelson, the appointed Chapter 7 Trustee in the above-captioned bankruptcy  
22 case (the "Trustee"), by and through her proposed attorney of record Jacob L. Houmand, Esq. of  
23 the law firm of Nelson & Houmand, P.C., hereby files Ex Parte Application for Order Shortening  
24 Time on Omnibus Motion of the Chapter 7 Trustee for Entry of Order Authorizing the Rejection  
25 of Executory Contracts Pursuant to 11 U.S.C. § 365(a) (the "Application").<sup>1</sup>

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28 <sup>1</sup> Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11  
U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The  
Federal Rules of Civil Procedure will be referred to as "FRCP" and the Federal Rules of

NELSON & HOUMAND, P.C.  
3900 Paradise Road, Suite U  
Las Vegas, Nevada 89169  
Telephone: (702) 720-3370  
Facsimile: (702) 720-3371

1 This Application is made and based upon FRBP 9006 and Local Rule 9006, the following  
2 memorandum of points and authorities, the Affidavit of Jacob L. Houmand, Esq. In Support of the  
3 Ex Parte Application for Order Shortening Time on Omnibus Motion of the Chapter 7 Trustee for  
4 Entry of Order Authorizing the Rejection of Executory Contracts Pursuant to 11 U.S.C. § 365(a)  
5 (the "Houmand Affidavit"), the Declaration of Victoria L. Nelson In Support of Omnibus Motion  
6 of the Chapter 7 Trustee for Entry of Order Authorizing the Rejection of Executory Contracts  
7 Pursuant to 11 U.S.C. § 365(a) (the "Nelson Declaration"), and the Attorney Information Sheet,  
8 all of which are filed separately and concurrently with the Application pursuant to Local Rule  
9 9014(c)(2).

10 WHEREFORE, the Trustee respectfully requests that this Honorable Court grant this  
11 Application and issue an order shortening time to hear the First Omnibus Motion of the Chapter 7  
12 Trustee for Entry of Order Authorizing the Rejection of Executory Contracts Pursuant to 11  
13 U.S.C. § 365(a) (the "Motion") and for such other relief as is just and proper.<sup>2</sup>

14 Dated this 5th day of February, 2015.

15 **NELSON & HOUMAND, P.C.**

16  
17 /s/ Jacob L. Houmand  
18 Jacob L. Houmand, Esq. (NV Bar No. 12781)  
19 3900 Paradise Road; Suite U  
20 Las Vegas, Nevada 89169-0903  
21 Telephone: 702/720-3370  
22 Facsimile: 702/720-3371

23 *[Proposed] Counsel for Victoria L. Nelson,*  
24 *Chapter 7 Trustee*

25 Bankruptcy Procedure will be referred to as "FRBP." The Local Rules of Practice for the United  
26 States Bankruptcy Court for the District of Nevada shall be referred to as the "Local Rules".

27 <sup>2</sup> The Trustee also requests that the Court take judicial notice of all pleadings filed in the above-  
28 referenced bankruptcy case pursuant Rule of Evidence 201, incorporated by reference by Federal  
Rule of Bankruptcy Procedure 9017.

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Ameri-Dream Realty, LLC (the “Debtor”) is a real estate brokerage firm that represented  
 4 clients in the purchase and sale of real property throughout Las Vegas, Nevada. The Debtor also  
 5 had a property management division that managed several thousand real properties located  
 6 throughout the valley in Las Vegas, Nevada. As part of its property management division, the  
 7 Debtor has executed real property management agreements (collectively, the “Property  
 8 Management Agreements”) with landowners whereby the Debtor agreed to perform the following  
 9 services: (a) the monthly collection of rents from tenants, (b) payment of Homeowner Association  
 10 (“HOA”) fees, (c) the general repair and maintenance of the properties at issue, and (d) the  
 11 segregation of security deposits (the “Security Deposits”) pursuant to Nevada Revised Statute  
 12 (“N.R.S.”) Chapter 645. Despite the fact that the Debtor was required to maintain the Security  
 13 Deposits in a segregated trust account for the benefit of the various landowners and tenants, the  
 14 Trustee is informed and believes that the spouse of the Debtor’s principal embezzled  
 15 approximately One Million One Hundred Thousand Dollars (\$1,100,000) of the Security  
 16 Deposits. As a result, there is currently an insufficient balance in the Security Deposit trust  
 17 account to cover the full amount of the Security Deposits that are required to be segregated  
 18 pursuant to the Property Management Agreements.

19 This deficiency has made it necessary for the Trustee to reject the Property Management  
 20 Agreements, which are executory contracts, pursuant to Section 365. The rejection of the  
 21 Property Management Agreements will allow all of the affected landowners to obtain new  
 22 property managers for the various real properties at issue. For these reasons, the Trustee has filed  
 23 the Motion seeking to reject the Property Management Agreements that are identified in **Exhibit**  
 24 **“1”** attached to the Motion. It is necessary to have the Motion heard on shortened time in order to  
 25 allow the property owners to locate new property managers to continue the collection of rent and  
 26 general maintenance of the real properties at issue. Since the majority of the unsecured creditors  
 27 identified in the Debtor’s schedules are the owners of the real properties that are subject to the  
 28

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1 Property Management Agreements, permitting the Property Management Agreements to be  
2 rejected on shortened time will provide a significant benefit to the Debtor's creditor body.

3 **II. LEGAL ARGUMENT**

4 Section 105 allows this Court to issue such orders as are necessary to carry out the  
5 provisions of this title. FRBP 9006(c)(1) generally permits a Bankruptcy Court, for cause shown  
6 and in its discretion, to reduce the period during which any notice is given in accordance with the  
7 Bankruptcy Rules. FRBP 9006(c)(1) provides as follows:

8 Except as provided in paragraph (2) of this subdivision, when an act  
9 is required or allowed to be done at or within a specified time by  
10 these rules or by a notice given thereunder or by order of court, the  
11 court for cause shown may in its discretion with or without  
12 Application or notice order the period reduced.

13 11 U.S.C. § 105. Local Rule 9006 provides further authority for shortening the time for a  
14 hearing. Under Local Rule 9006(b), every Application for an order shortening time must be  
15 accompanied by an affidavit stating the reasons for a shortened deadline.

16 Here, the Trustee seeks an order allowing the Motion to be heard on shortened time in  
17 order to allow the Property Management Agreements to be rejected pursuant to Section 365(a).  
18 The Property Management Agreements at issue concern hundreds of real properties that are  
19 currently leased to third parties. The rejection of the Property Management Agreements will  
20 permit the owners of the real properties to locate new property managers that will result in the  
21 continued collection of rent. For these reasons, the Court should issue an order shortening time  
22 on the Motion.

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III. CONCLUSION

For the foregoing reasons, the Trustee respectfully requests that this Court issue an order shortening time to hear the Motion and for such other relief as is just and proper.

Dated this 5th day of February, 2015.

**NELSON & HOUMAND, P.C.**

/s/ Jacob L. Houmand

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